LB3 Levine Blaszak Block & Boothby LLP

September 18, 2019

Via Electronic Filing in ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Ex Parte

Re: Dynetics, Inc. Request for Modification of Temporary Freeze on Non-Federal Applications in the 3100-3550 MHz Band; and
Dynetics, Inc. Request for Limited Waiver of Temporary Freeze on Non-Federal Applications in the 3100-3550 MHz Band
WT Docket No. 19-39

Dear Ms. Dortch:

Southern Company Services, Inc., on behalf of itself and its operating affiliates (collectively "Southern"), submits this statement in support of the July 8, 2019, letter from Dynetics, Inc., requesting prompt grant of its requests for limited relief from the temporary licensing freeze in the 3100-3550 MHz band.[1] Southern agrees that prompt action is warranted in the interest of homeland security, protection of critical infrastructure, and maintenance of reliable electric service to the public.

The temporary freeze on non-federal applications in the 3100-3550 MHz band was adopted and made effective on February 22, 2019.[2] On May 17, 2019, Dynetics submitted separate requests for modification of the licensing freeze and for waiver of the freeze. Dynetics explained that the licensing freeze was preventing utilities and other critical infrastructure operators from deploying sophisticated security technologies that use radar operating in the 3100-3300 MHz band.

[1] *Ex parte* submission of Dynetics, Inc., in WT Docket No. 19-39 (filed July 8, 2019).

[2] *Temporary Freeze on Non-Federal Applications in the 3100-3550 MHz Band*, WT Docket No. 19-39, 34 FCC Rcd 19 (WTB 2019).

Southern filed Comments and Reply Comments in support of Dynetics' requests for targeted relief from the licensing freeze in the 3100-3300 MHz band.[3] Southern described the national concern with physical security of the bulk electric system and the Federal Energy Regulatory Commission's ("FERC's") adoption of a Critical Infrastructure Protection ("CIP") standard, "CIP-014-2 – Physical Security," requiring each transmission system operator to implement a documented physical security plan. Southern explained how it spent over one year evaluating potential security systems, and how it identified ground-based radar as a very effective solution to deter, detect, delay, assess, communicate and respond to potential physical threats, as required by CIP-014-2. Southern's affiliates, Georgia Power Company and Alabama Power Company, have installed Dynetics systems at about 32 facilities so far, with plans to install dozens more over the next few years.

The licensing freeze at 3100-3550 MHz brought a halt to Southern's deployment of Dynetics security systems at other critical facilities, and it created uncertainty as to when Southern will be able to resume implementation of its security plans. As Southern explained in its earlier filings, these intrusion detection systems require long lead times for planning, licensing, installation, testing and integration with existing security monitoring systems. Thus, even when the freeze is lifted there will be further delay until Southern is able to make its new systems fully operational.

There is growing need for enhanced physical security to protect the nation's critical infrastructure and electric generation and transmission systems in particular. The Electricity Information Sharing and Analysis Center ("E-ISAC"), operated by the North American Electric Reliability Corporation ("NERC") in collaboration with the U.S. Department of Energy ("DOE"), analyzes and shares data on cyber and physical threats to the nation's interconnected power grid. In its recently-published End of Year Report for 2018, E-ISAC noted significant increases in reported incidents of theft and gunfire at electric transmission facilities.[4] Theft and vandalism can do more than cause power outages: they can also create hazards to employees and the public.

The chart on the next page shows the number of incidents that were voluntarily reported to E-ISAC in 2017 and 2018, categorized by the major physical threats to the electric grid: intrusions, suspicious surveillance, other suspicious activity, theft (primarily of copper), threats (*e.g.*, bomb threats and activist threats), vandalism, and gunfire:[5]

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[3] Comments of Southern Company Services, Inc., filed June 12, 2019, and Reply Comments of Southern Company Services, Inc., filed June 24, 2019, in WT Docket No. 19-39.

[4] Electricity Information Sharing and Analysis Center, *End of Year Report: January 1 - December 31, 2018*; available at https://www.wecc.org/Administrative/TLP%20Green%20E-ISAC%20End%20of%20Year%20Report.pdf

[5] *Id.*, at 6.

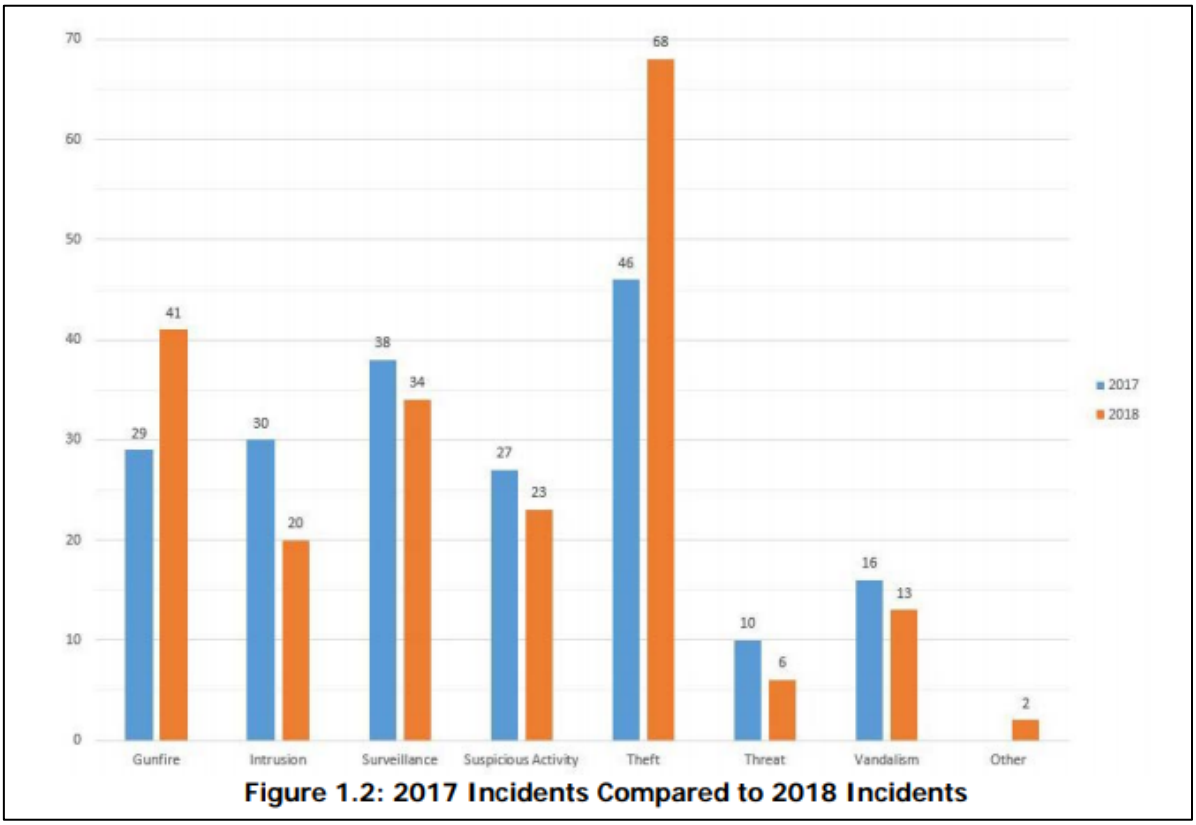

Figure 1.2: 2017 Incidents Compared to 2018 Incidents

A recent report from the Congressional Research Service ("CRS") on electric grid security also noted that a combined cyber and physical attack on the grid could have devastating consequences due to the cost and vulnerability of critical components.[6] The CRS report explained that physical attacks on critical high-voltage transformers could potentially cause long-lasting power outages because these transformers are very large, are difficult to move, and can take months or years to be replaced due to their size and unique specifications.

[6] Richard J. Campbell, Congressional Research Service, R45312, *Electric Grid Cybersecurity* (2018), at 6-7. https://crsreports.congress.gov/product/pdf/R/R45312/2.

For all of the foregoing reasons, as well as those cited in Southern's earlier-filed Comments and Reply Comments, Southern supports Dynetics' request for prompt grant of its Request for Modification of Temporary Freeze, or, in the alternative, grant of a blanket waiver for license applicants meeting the conditions suggested by Dynetics in its Request for Limited Waiver.

Very truly yours,

/s/ *Jeffrey L. Sheldon*

Jeffrey L. Sheldon
Counsel for Southern Company Services, Inc.